

*Adapted from Protocol for In-Person Hearings in the  
District of Minnesota (updated 07/23/2021)*

**ATTACHMENT 1:**  
**PROTOCOL FOR IN-PERSON HEARINGS**

**I. Building-Wide Health and Safety Precautions**

- A. It is important that counsel for the parties inform the Court of any potential infection of any case participant *before* any participant enters the courthouse for the hearing. Specifically, counsel must inform the Court prior to the hearing if they—or their client/witness—(1) have had or have symptoms of possible COVID-19 infection; (2) were in close contact with anyone who exhibits symptoms of possible COVID-19 infection; or (3) they or someone they were in close contact with tested positive for COVID-19. Absent further direction of the Court, the participant should not enter the courthouse.
- B. All persons entering the courthouse must wear a mask or face covering in all public areas of the courthouse and when moving from one location to another.
- C. There will be signage throughout the weapons-screening process to encourage social distancing.
- D. There will be markings on the floor in the elevator lobbies and elevators to ensure 3 ft social distancing and a maximum of two people per elevator.
- E. Courtroom galleries will be marked to indicate where observers may sit. Observers will be advised that they must sit at least 3 feet apart; if necessary. An overflow room will be provided.

**II. Courtroom Health and Safety Precautions**

- A. Plexiglass separators will be installed in each courtroom according to the model plan developed for each style courtroom. A plexiglass separator will be installed between counsel and client at each table used and will be placed around the witness stand.
- B. At each counsel table, a sanitation basket will be provided that includes gloves, face shields, masks, microphone covers, disinfecting wipes, hand sanitizer, and tissues. Instructions for how to use and dispose of the

*Adapted from Protocol for In-Person Hearings in the  
District of Minnesota (updated 07/23/2021)*

sanitation items will be placed at each counsel table.

1. Counsel is required to disinfect their area before and after the proceedings. Counsel must also disinfect the headsets before and after they are used.
  2. A sanitation basket will not be placed on the table within reach of Defendant. Defendant's counsel is expected to disinfect Defendant's side of the table before and after the hearing.
  3. Containers will be placed at the courtroom exit for courtroom participants to safely dispose of any used PPE or other safety gear.
- C. Water will not be provided at counsel tables, except that a small bottle of water will be provided for an in-custody defendant. Counsel may bring their own bottle of water into the courtroom but must remove it following the hearing.
- D. Counsel must notify the courtroom deputy by the applicable deadlines set forth in the accompanying Order on Protocol for In-Person Hearing if:
1. More than two attorneys will be present for any party (i.e., more than three people at that party's table).
  2. They will be calling witnesses. Counsel will receive instructions for where witnesses may wait until they are called to testify.
- E. Protocol During the Hearing:
1. Everyone must wear masks in the common areas of the courthouse and when moving from one location to another. Everyone in the courtroom must wear a mask at all times unless granted permission by the presiding judge to do otherwise. Testifying witnesses need not wear a mask while seated in the witness stand unless the presiding judge directs otherwise.
  2. All plexiglass separators must remain in place and must not be moved.

*Adapted from Protocol for In-Person Hearings in the  
District of Minnesota (updated 07/23/2021)*

3. Counsel must remain seated when addressing the Court, except as directed by the presiding judge. Counsel should speak directly into the microphone located in front of them on the table. Counsel may, if they choose, question witnesses from the podium if exhibits will be displayed during the testimony, but counsel must disinfect the podium area after use. If counsel uses the podium, a microphone cover must be placed over the microphone before speaking, and removed and disposed of after use.
4. Defendant's counsel may speak in private with Defendant during the hearing, but must use the headset system to do so if one is provided. Counsel must clean the headsets before and after the hearing. Headsets are subject to availability. Instructions on how to use and clean the headsets may be found on the court's website at <https://www.mnd.uscourts.gov/person-hearings>. If necessary, the presiding judge will clear the courtroom to facilitate private discussions.
5. Exhibits must be shared by electronic means with the Court and opposing counsel before the proceeding so that no paper is exchanged among counsel, parties, witnesses, or court personnel in the courtroom. Exhibits must be provided by the deadline set forth in the accompanying Order on Protocol for In-Person Hearings. In the courtroom, exhibits and demonstratives must be displayed and shared electronically. Users should bring any necessary adapters.
6. The witness must use a microphone cover when testifying and must remove and dispose of this cover after his or her testimony is complete.

### **III. Post-Hearing**

For the five days immediately following any in-person proceeding, counsel, parties, witnesses, and court staff must immediately notify the court if either they or a person with whom they have had close contact has exhibited symptoms of possible COVID-19 infection or tested positive for COVID-19.